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EXAMINER
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SAMS, MATTHEW C

ART UNIT	PAPER NUMBER
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2617

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/812,553	<b>Applicant(s)</b> RUETSCHI, JOHANNES	
	<b>Examiner</b> MATTHEW SAMS	<b>Art Unit</b> 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 January 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-23 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 16-26 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 16-26 recites a "computer program product" comprising a "computer useable medium". Applicant's disclosure does not define the claimed "computer useable medium". The United States Patent and Trademark Office (USPTO) is obliged to give claims their broadest reasonable interpretation consistent with the specification during proceedings before the USPTO (see *In re Zletz*, 893 F.2d 319 Fed. Cir. 1989). The broadest reasonable interpretation of a claim drawn to a computer readable medium (also called machine readable medium and other such variations) typically covers forms of non-transitory tangible media and transitory propagating signals *per se* in view of the ordinary and customary meaning of computer readable media, particularly when the specification is silent (see MPEP 2111.01). Thus, the lack of a definition of Applicant's "computer useable medium" in the disclosure fails to limit the claim to only non-transitory tangible media,

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and therefore is non-statutory (see *Cf. Animals – Patentability*, 1077 Off. Gaz. Pat. Office 24 (April 21, 1987)).

The Examiner recommends amending the claims to recite a “non-transitory computer useable medium”.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 2, 4-12, 14-18, 20-22, 24 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murray (US-6,484,033) in view of Koskinen et al. (US-7,039,420 hereinafter, Koskinen) and Veprek et al. (US-2005/0198265 hereinafter, Veprek).

Regarding claim 1, Murray teaches a communication system comprising:

a plurality of communications devices communicating with each other over a network (Fig. 1 [32, 42 and 47]), wherein said network includes a telephone network (Col. 3 line 64 through Col. 4 line 8) and a group of the plurality of communication devices being connected to said telephone network; (Fig. 1 and Col. 3 line 64 through Col. 4 line 8)

a storage on said network storing location and presence information about system users, each of said plurality of communications devices being identifiable with at least one system user; (Col. 4 line 60 through Col. 5 line 43) and

an identity context reminder service monitoring said plurality of communications devices for current location and presence status for associated users and comparing said current location and presence status for inconsistencies with an expected location and presence for said associated users from stored said location and presence information, said identity context reminder service selectively providing a reminder to respective communications device of said plurality of communications devices responsive to an inconsistency. (Fig. 6 and Col. 4 line 60 through Col. 5 line 43)

Murray differs from the claimed invention by not explicitly reciting the network includes a local area network (LAN) with a first group of the plurality of communication devices being connected to said LAN, the storage being located on the LAN, and each one of said associated users are associated with more than one of said plurality of communications devices, wherein for each of said ones said identity context reminder service monitors multiple associated devices of said plurality of communications devices for inconsistencies in one or more.

In an analogous art, Koskinen teaches a method and system for presenting reminders in a portable device (Abstract, Col. 14 lines 17-27) that includes a local area network (Fig. 2 [8], Col. 4 line 45 "Internet data network" and Col. 12 line 65 "WLAN"), a group of the plurality of communication devices being connected to said LAN (Fig. 1 [23]), having a storage on said LAN (Fig. 1 [2]) storing location and presence

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information about system users (Col. 6 lines 48 through Col. 7 line 17 and Col. 13 line 36 through Col. 14 line 2), having a user that is associated with more than one of said plurality of communications devices (Col. 14 lines 49-53) and a notification service, said identity context reminder service monitoring a plurality of communication devices associated with a single user and said notification service providing said reminder to said selected one. (Col. 14 lines 17-27 and lines 49-53 *i.e.* if any one of the devices is not where it should be, the reminder is sent) At the time the invention was made, it would have been obvious to one of ordinary skill in the art to be motivated to implement the invention of Murray after modifying it to incorporate a group of devices associated with a single user as taught Koskinen since it is well known that a single user may possess several different portable devices (personal cell-phone, work cell-phone, etc. and Koskinen Col. 4 lines 51-54) at different times throughout a day (or alternatively, in different locations) but wishes to receive reminders regardless of which device the user has in their possession. In other words, it is well within the scope of one of ordinary skill to be motivated to provide a single service (*i.e.* schedule reminders) to a user regardless of where the user is located and to whatever device the user has in their possession (or is currently using).

Murray in view of Koskinen differs from the claimed invention by not explicitly reciting the inconsistencies further being indicated by a system user indicated as being at a communications device other than an associated one.

In an analogous art, Veprek teaches a method and apparatus for information notification based on a user's schedule (Fig. 1 [22C]), based on the device's location (Fig. 3 [56]) and by the location of the user. (Fig. 3 [52, 54 & 62] and Page 3 [0022])

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to be motivated to implement the location based event reminders of Murray in view of Koskinen after modifying it to incorporate the ability to monitor the location of a user of Veprek since it ensures that the user's location is known and not just the location of a particular device when a scheduled event or specific activity is upcoming. (Veprek Page 3 [0022])

Regarding claim 4, Murray in view of Koskinen and Veprek teaches a location service receiving current location status for said associated users from said plurality of communications devices and providing received said location status for said associated users to said identity context reminder service. (Murray Col. 4 line 60 through Col. 5 line 43, Fig. 6, Fig. 7 and Col. 10 lines 5-67)

Regarding claim 5, Murray in view of Koskinen and Veprek teaches at least one said reminder indicates that an associated user identified to said respective communications device is at a location other than an expected location for said associated user. (Murray Col. 4 line 60 through Col. 5 line 43, Fig. 6, Fig. 7 and Col. 10 lines 5-67)

Regarding claim 6, Murray in view of Koskinen and Veprek teaches a notification service, said identity context reminder service identifying a selected one of said plurality of communications devices and said notification service providing said reminder to said

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selected one. (Murray Fig. 2 [108], Col. 4 line 60 through Col. 5 line 43, Fig. 6, Fig. 7 and Col. 10 lines 5-67)

Regarding claim 7, Murray in view of Koskinen and Veprek teaches the notification service is a text based messaging service. (Murray Col. 3 lines 24-63 and Col. 4 line 60 through Col. 5 line 43)

Regarding claim 8, Murray in view of Koskinen and Veprek teaches the text based messaging service is selected from the group consisting of e-mail, instant messaging and short message service (SMS). (Murray Col. 3 lines 24-63)

Regarding claim 9, Murray in view of Koskinen and Veprek teaches an identity context reminder client on at least one communications device of said plurality of communications devices, said identity context reminder client facilitating managing identity context reminder notifications from said at least one communications device. (Murray Fig. 2 & Fig. 3)

Regarding claim 10, Murray in view of Koskinen and Veprek teaches said telephone network comprises a cellular phone network (Murray Fig. 1 [10 & 40] and Koskinen Fig. 1 [7]) and the plain old telephone network (Murray Fig. 1 [20]) and at least one of said communication devices comprises a mobile station in a cellular phone network. (Murray Fig. 1, Fig. 2, Fig. 3 and Koskinen Col. 4 lines 49-51)

Regarding claim 11, Murray in view of Koskinen and Veprek said identity content service is located on a server with said storage (Murray Fig. 1 [76]), and said communications system further comprises a rules based engine on said server monitoring said current location and presence status on said plurality of



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communications devices for said system users and providing said identity context reminder service. (Murray Fig. 6 and Col. 4 line 60 through Col. 5 line 43)

Regarding claim 12, Murray teaches a method of maintaining location and presence status current in a communications system including a plurality of communications devices networked together said method comprising the steps of:

storing location and presence information for a user identified with one or more communications devices; (Col. 4 line 60 through Col. 5 line 43)

monitoring a plurality of communications devices for current location and presence status for associated users; (Fig. 3 [111] and Col. 4 line 60 through Col. 5 line 43)

comparing said current location and presence status to stored said location and presence information to identify inconsistencies for said associated users; (Fig. 6 and Col. 4 line 60 through Col. 5 line 43) and

sending a notification to an identified user at a corresponding one of said one or more communications devices. (Col. 4 line 60 through Col. 5 line 43, Fig. 6, Fig. 7 and Col. 10 lines 5-67)

Murray differs from the claimed invention by not explicitly reciting the network includes a local area network (LAN) with a first group of the plurality of communication devices being connected to said LAN, the storage being located on the LAN, and each one of said associated users are associated with more than one of said plurality of communications devices, wherein for each of said ones said identity context reminder

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service monitors multiple associated devices of said plurality of communications devices for inconsistencies in one or more.

In an analogous art, Koskinen teaches a method and system for presenting reminders in a portable device (Abstract, Col. 14 lines 17-27) that includes a local area network (Fig. 2 [8], Col. 4 line 45 "Internet data network" and Col. 12 line 65 "WLAN"), a group of the plurality of communication devices being connected to said LAN (Fig. 1 [23]), having a storage on said LAN (Fig. 1 [2]) storing location and presence information about system users (Col. 6 lines 48 through Col. 7 line 17 and Col. 13 line 36 through Col. 14 line 2), having a user that is associated with more than one of said plurality of communications devices (Col. 14 lines 49-53) and a notification service, said identity context reminder service monitoring a plurality of communication devices associated with a single user and said notification service providing said reminder to said selected one. (Col. 14 lines 17-27 and lines 49-53 *i.e.* if any one of the devices is not where it should be, the reminder is sent) At the time the invention was made, it would have been obvious to one of ordinary skill in the art to be motivated to implement the invention of Murray after modifying it to incorporate a group of devices associated with a single user as taught Koskinen since it is well known that a single user may possess several different portable devices (personal cell-phone, work cell-phone, etc. and Koskinen Col. 4 lines 51-54) at different times throughout a day (or alternatively, in different locations) but wishes to receive reminders regardless of which device the user has in their possession. In other words, it is well within the scope of one of ordinary skill to be motivated to provide a single service (*i.e.* schedule reminders) to a user

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regardless of where the user is located and to whatever device the user has in their possession (or is currently using).

Murray in view of Koskinen differs from the claimed invention by not explicitly reciting the inconsistencies further being indicated by a system user indicated as being at a communications device other than an associated one.

In an analogous art, Veprek teaches a method and apparatus for information notification based on a user's schedule (Fig. 1 [22C]), based on the device's location (Fig. 3 [56]) and by the location of the user. (Fig. 3 [52, 54 & 62] and Page 3 [0022])

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to be motivated to implement the location based event reminders of Murray in view of Koskinen after modifying it to incorporate the ability to monitor the location of a user of Veprek since it ensures that the user's location is known and not just the location of a particular device when a scheduled event or specific activity is upcoming. (Veprek Page 3 [0022])

Regarding claim 14, Murray in view of Koskinen and Veprek teaches the step of updating stored location and presence information. (Murray Col. 4 line 60 through Col. 5 line 43 and Fig. 3 [111])

Regarding claim 15, Murray in view of Koskinen and Veprek teaches one or more communications devices is a plurality of communication devices, each connected to one of said telephone network (Murray Fig. 1 [20] and Veprek Fig. 1 [14]) and said LAN (Koskinen Fig. 1 [2]) and identified with a particular communications system user, said stored location and presence information for said particular communications system

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user being updated and managed from said one or more communications devices.

(Murray Col. 4 line 60 through Col. 5 line 43, Fig. 6, Fig. 7 and Col. 10 lines 5-67)

Regarding claim 16, the limitations of claim 16 are rejected as being the same reasons set forth above in claim 12.

Regarding claim 17, Murray in view of Koskinen and Veprek teaches the notification is provided as a text message displayed by at least one of said one or more communications devices. (Murray Col. 3 lines 24-63 and Col. 4 line 60 through Col. 5 line 43)

Regarding claim 18, Murray in view of Koskinen and Veprek teaches the text messaging services comprise e-mail, instant messaging and short message service (SMS). (Murray Col. 3 lines 24-63).

Regarding claim 20, Murray teaches a computer program product for managing location and presence information for users associated with a communications device amongst a plurality of communications devices networked together in a communications system, said computer program product comprising a computer usable medium having computer readable program code stored thereon, said computer readable program code comprising:

computer program code means for providing current user location and presence status to a location context reminder service, (Col. 4 line 60 through Col. 5 line 43)

each communication device providing location and presence information to said communication system, (Col. 4 line 60 through Col. 5 line 43 and Fig. 2 [79])

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computer program code means for indicating receipt of reminders, received said reminders indicating inconsistencies between expected current said user location and presence information and actual current said user location and presence status; (Col. 4 line 60 through Col. 5 line 43, Fig. 6, Fig. 7 and Col. 10 lines 5-67) and

computer program code means for providing user location and presence information updates to said location context reminder service. (Col. 4 line 60 through Col. 5 line 43, Fig. 6, Fig. 7 and Col. 10 lines 5-67)

Murray differs from the claimed invention by not explicitly reciting the network includes a local area network (LAN) with a first group of the plurality of communication devices being connected to said LAN, the storage being located on the LAN, and each one of said associated users are associated with more than one of said plurality of communications devices, wherein for each of said ones said identity context reminder service monitors multiple associated devices of said plurality of communications devices for inconsistencies in one or more.

In an analogous art, Koskinen teaches a method and system for presenting reminders in a portable device (Abstract, Col. 14 lines 17-27) that includes a local area network (Fig. 2 [8], Col. 4 line 45 "Internet data network" and Col. 12 line 65 "WLAN"), a group of the plurality of communication devices being connected to said LAN (Fig. 1 [23]), having a storage on said LAN (Fig. 1 [2]) storing location and presence information about system users (Col. 6 lines 48 through Col. 7 line 17 and Col. 13 line 36 through Col. 14 line 2), having a user that is associated with more than one of said plurality of communications devices (Col. 14 lines 49-53) and a notification service, said

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identity context reminder service monitoring a plurality of communication devices associated with a single user and said notification service providing said reminder to said selected one. (Col. 14 lines 17-27 and lines 49-53 *i.e.* if any one of the devices is not where it should be, the reminder is sent) At the time the invention was made, it would have been obvious to one of ordinary skill in the art to be motivated to implement the invention of Murray after modifying it to incorporate a group of devices associated with a single user as taught Koskinen since it is well known that a single user may possess several different portable devices (personal cell-phone, work cell-phone, etc. and Koskinen Col. 4 lines 51-54) at different times throughout a day (or alternatively, in different locations) but wishes to receive reminders regardless of which device the user has in their possession. In other words, it is well within the scope of one of ordinary skill to be motivated to provide a single service (*i.e.* schedule reminders) to a user regardless of where the user is located and to whatever device the user has in their possession (or is currently using).

Murray in view of Koskinen differs from the claimed invention by not explicitly reciting the inconsistencies further being indicated by a system user indicated as being at a communications device other than an associated one.

In an analogous art, Veprek teaches a method and apparatus for information notification based on a user's schedule (Fig. 1 [22C]), based on the device's location (Fig. 3 [56]) and by the location of the user. (Fig. 3 [52, 54 & 62] and Page 3 [0022])

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to be motivated to implement the location based event reminders

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of Murray in view of Koskinen after modifying it to incorporate the ability to monitor the location of a user of Veprek since it ensures that the user's location is known and not just the location of a particular device when a scheduled event or specific activity is upcoming. (Veprek Page 3 [0022])

Regarding claim 21, Murray in view of Koskinen and Veprek teaches computer program code for indicating reminders comprises computer program code means for text messaging. (Murray Col. 3 lines 24-63 and Col. 4 line 60 through Col. 5 line 43)

Regarding claim 22, Murray in view of Koskinen and Veprek teaches computer program code means for text messaging is selected from a group consisting of:

computer program code means for sending and receiving e-mail; (Murray Col. 3 lines 24-63)

computer program code means for instant messaging; (Murray Col. 3 lines 24-63) and

computer program code means for sending and receiving short message service (SMS) messages. (Murray Col. 3 lines 24-63 and Col. 4 line 60 through Col. 5 line 43)

Regarding claim 24, the limitations of claim 24 are rejected as being the same reason set forth above in claim 12.

Regarding claim 26, the limitations of claim 26 are rejected as being the same reason set forth above in claim 14.

3, 13,19,25

6. Claims 3, 13, 19, 23 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murray in view of Koskinen and Veprek as applied to claims 1, 12,

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16, 19, 23 and 25 above, and further in view of Titmuss et al. (US-6,167,122 hereinafter, Titmuss).

Regarding claim 3, Murray in view of Koskinen and Veprek teaches at least one said reminder indicates that a user associated with said respective communication device is at a location other than a previously scheduled expected location. (Murray Col. 4 line 60 through Col. 5 line 43, Fig. 6, Fig. 7 and Col. 10 lines 5-67) Murray in view of Koskinen and Veprek differs from the claimed invention by not explicitly reciting the inconsistencies include a system user logging on to a computer at a location other than a currently expected location.

In an analogous art, Titmuss teaches a telecommunications network that routes signals to the location of a user (Abstract) that includes the ability to locate a particular user based on when the user logs onto a computer. (Col. 2 lines 45-52) At the time the invention was made, it would have been obvious to one of ordinary skill in the art to be motivated to implement the location based event reminders of Murray in view of Koskinen and Veprek after modifying it to incorporate ability to determine a user's location based on when a user logs onto a computer of Titmuss since it ensures that the user's location is known and not just the location of a particular device when a scheduled event is upcoming.

Regarding claim 13, Murray in view of Koskinen and Veprek teaches the notification is provided as a text message displayed by at least one of said one or more communications devices. (Murray Col. 3 lines 24-63 and Col. 4 line 60 through Col. 5 line 43) Murray in view of Koskinen and Veprek differs from the claimed invention by



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not explicitly reciting the inconsistencies include a system user logging on to a computer at a location other than a currently expected location.

In an analogous art, Titmuss teaches a telecommunications network that routes signals to the location of a user (Abstract) that includes the ability to locate a particular user based on when the user logs onto a computer. (Col. 2 lines 45-52) At the time the invention was made, it would have been obvious to one of ordinary skill in the art to be motivated to implement the location based event reminders of Murray in view of Koskinen and Veprek after modifying it to incorporate ability to determine a user's location based on when a user logs onto a computer of Titmuss since it ensures that the user's location is known and not just the location of a particular device when a scheduled event is upcoming.

Regarding claim 19, the limitations of claim 19 are rejected as being the same reason set forth above in claim 3.

Regarding claim 23, the limitations of claim 23 are rejected as being the same reason set forth above in claim 13.

Regarding claim 25 the limitations of claim 25 are rejected as being the same reason set forth above in claim 13.

### ***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MATTHEW SAMS whose telephone number is (571)272-8099. The examiner can normally be reached on M-F 8-6.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (571) 272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MATTHEW SAMS/  
Examiner, Art Unit 2617